

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent 6,353,038

Allan AHO et al.

Serial Number: 09/446,630

Issued: March 5, 2002

For: NOVEL PLASTIC BASED COMPOSITE AND ITS USE

SECOND DECLARATION OF JIMMY LUCCHESI

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Jimmy LUCCHESI, hereby declare as follows:

1. I affirm my Declaration of Jimmy Lucchesi filed May 4, 2012, the contents of which are incorporated by reference herein.
2. On information and belief, Mr. Holmqvist sent me a letter (Exhibit 6) dated June 9, 2009 stating that U.S. Patent 6,353,038 was to be permitted to lapse.
3. I do not recall receiving or reviewing Exhibit 6 while employed by Vivoxid. More particularly, I do not recall receiving or reviewing Exhibit 6 during the June -December, 2009 time period.
4. I attended a meeting with Dr. Tuominen, Mr. Roering, Ms. Kaisa Suominen and Ms. Paivi Salonen on January 19, 2010 ("Joint Meeting") to discuss BonAlive's creation, the resulting changes to Vivoxid and how Vivoxid's intellectual property


portfolio was to be divided between the two companies. Exhibit 12 is a memorandum which summarizes the Joint Meeting.

5. The third portion of the Joint Meeting focused on the allocation of each Vivoxid patent family between Vivoxid and BonAlive based on their respective business activities, and whether to maintain or abandon certain of these patent families

6. The parties agreed Vivoxid would continue to own the Sulamuovi patent family. There was no discussion of U.S. Patent 6,353,038 ("the '038 patent"), which is part of Vivoxid's Sulamuovi patent family, during the Joint Meeting.

7. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '038 patent.

Signed this 5th day of November, 2012.


Jimmy Lucchesi